IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

)
CITY OF CHICAGO,)
Plaintiff,)
T Millions,) Case No. 1:19-cv-04547
v.)
) Honorable Virginia M. Kendall
JUSSIE SMOLLETT,) Magistrate Judge Sunil Harjani
Defendant.)
Defendant.	,

JOINT STATUS REPORT

Pursuant to the Court's order (ECF 157), Plaintiff City of Chicago and Defendant Jussie Smollett submit this joint status report on discovery.

(A) Progress of Discovery:

In February 2020, this matter was referred to Magistrate Judge Sunil Harjani for discovery management. (ECF 68) In September 2020, Judge Kendall stayed this case pending Mr. Smollett's criminal proceedings. (ECF 130) Before the stay, the parties answered written discovery. The City had produced over 13,000 items or documents in response to discovery requests by Mr. Smollett and was continuing to supplement the document production with additional materials. Mr. Smollett had produced over 800 pages of documents and was continuing to supplement the document production with additional materials.

No depositions have occurred at this time. Before the stay, Mr. Smollett served subpoenas for six third-party depositions and noticed depositions for 23 Chicago Police Department personnel. The ultimate number of depositions to be taken of City employees is expected to be reduced subject to additional document production from the City. Before the stay, the City noticed the deposition of Mr. Smollett and served or attempted to serve subpoenas for deposition on two third parties.

(B) Proposed Discovery Deadlines

Judge Kendall ordered fact discovery closed by October 7, 2022. (ECF 156) Judge Harjani directed that this status report "include deadlines for written discovery and issuance of deposition notices." (ECF 157) The parties propose that (a) any additional written discovery must be served no later than June 20, 2022, and (b) deposition notices must be issued no later than August 1, 2022. As noted below, however, the parties jointly moved to stay this case today.

(C) Status of Briefing on Unresolved Motions:

There are two unresolved motions. First, on March 23, 2022, the parties jointly moved to stay this case. (ECF 158)

Second, in September 2020, the City moved to compel production of documents from the Federal Bureau of Investigation. (ECF 119) That motion is fully briefed. Due to the September 2020 stay, Judge Harjani dismissed the City's motion without prejudice with leave to reinstate and refile within 14 days of the stay being lifted. (ECF 136) The City respectfully requests that Judge Harjani grant the City an additional seven days to reinstate its motion to compel if the parties' pending joint motion to stay is denied.

Before the September 2020 stay, the City intended to file a motion to compel enforcement with its subpoena to Frank Gatson. In addition, subject to an additional meet and confer between the parties, Mr. Smollett intended to file a motion to compel the production of documents from the personal and City-issued cell phones for officers with personal knowledge and involvement with the Smollett investigation.

(D) Settlement Discussions:

At this time, there have been no settlement discussions.

Dated: March 23, 2022

Respectfully submitted,

By: /s/ Stephen J. Kane

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CERTIFICATE OF SERVICE

I certify that on March 23, 2022, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of Illinois using the Court's CM/ECF system, which will automatically send notification of this filing to all counsel of record.

/s/ Stephen J. Kane